

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| <b>CURTIS ANTHONY YOUNG,</b>      | : |                          |
| <b>Plaintiff</b>                  | : |                          |
|                                   | : |                          |
| <b>v.</b>                         | : | <b>No. 1:23-cv-01839</b> |
|                                   | : |                          |
|                                   | : | <b>(Judge Rambo)</b>     |
| <b>MS. SPYKER, <i>et al.</i>,</b> | : |                          |
| <b>Defendants</b>                 | : |                          |

**ORDER**

**AND NOW**, on this 23rd day of May 2024, upon consideration of *pro se* Plaintiff Curtis Anthony Young (“Plaintiff”)’s complaint (Doc. No. 1), Defendants’ motions to dismiss (Doc. Nos. 21, 23), and Plaintiff’s motion for leave to file an amended complaint (Doc. No. 29), and for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. Plaintiff’s motion for leave to amend (Doc. No. 29) is **GRANTED** to the extent that it seeks voluntary dismissal of Plaintiff’s claims against several Defendants;
2. The motion for leave to amend is otherwise **DENIED** without prejudice to the extent that it seeks leave to file an amended complaint in light of Plaintiff’s failure to file an accompanying proposed amended complaint;
3. Defendant Cousins’s motion to dismiss (Doc. No. 21) is **GRANTED**;
4. The motion to dismiss filed by Defendants Ravello, Kohler, Spyker, House, Loy, Strait, Wendle, Long, Johnson, Conway, Helsel, Sisto, Laborde, Bollinger, Britney Koch (identified in the complaint as “Ms. Brittany”), and Varner (Doc. No. 23) is **GRANTED IN PART AND DENIED IN PART**;

5. Plaintiff's claim alleging violation of Title II of the Americans With Disabilities Act ("ADA") is **DISMISSED WITH PREJUDICE** with respect to all Defendants;
6. Plaintiff's claims alleging violation of the Eighth Amendment by Defendants Cousins, Koch, Varner, Sisto, Conway, Long, Laborde, Kohler, Loy, and Sprinkle are **DISMISSED WITHOUT PREJUDICE** for failure to allege personal involvement;
7. Plaintiff may file an amended complaint within thirty (30) days of the date of this order to cure the deficiencies identified in the court's memorandum opinion, except to the extent that the Plaintiff has alleged violation of the ADA. Any amended complaint filed pursuant to this order shall be filed to the same docket number as the instant action, shall be entitled "Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure;
8. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form;
9. If Plaintiff fails to file an amended complaint by the above deadline, Plaintiff's original complaint shall remain the operative pleading in this case and the case shall proceed as to Plaintiff's Eighth Amendment claims against Defendants Spyker, House, Strait, Wendle, Helsel, Johnson, Bollinger, and Rivello;
10. The following case management deadlines shall govern this case:
  - a. Discovery shall be completed by **November 30, 2024**;
  - b. Dispositive motions shall be filed by **January 31, 2025**;
11. No extensions of the schedule shall be granted absent good cause;
12. Any motions or briefs filed after the expiration of the applicable deadline, without prior leave of the court, shall be stricken from the record; and

13. The scheduling of a final pretrial conference and the trial date of this matter is deferred pending the resolution of any forthcoming dispositive motions.

s/ Sylvia H. Rambo  
United States District Judge